

Appeal Decision

Site visit made on 17 June 2019

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 26th July 2019

Appeal Reference: APP/M5450/W/19/3223299

Land at 52 Spencer Road, Harrow HA3 7AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Diresh Kerai against the decision of Harrow District Council.
 - The application (reference P5589/18, dated 18 December 2018) was refused by notice dated 13 February 2019.
 - The development proposed is described in the application form as “conversion of house into three flats”.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issue to be determined in this appeal is the quality of the accommodation that would be created for prospective occupiers of the proposed new flats.

Reasons

3. The appeal site lies within a predominantly residential road though there are also other premises in the vicinity, of various types. The location is densely developed and is well served by public transport, with good accessibility to a range of local services. Spencer Road itself is closely built up along both frontages with residential properties that are not particularly distinguished architecturally, many of which are houses that have been converted to form flats.
4. Number 52 Spencer Road is a terraced house, with a modest back garden that is similar in scale to those of its neighbours. It is laid out as a family dwellinghouse as shown on the plans of the building, though individual rooms were locked at the time of the site inspection. There is a garage alongside the ground floor living accommodation, with a conventional garage door facing the road.
5. Previously, prior approval has been granted for the construction of a single storey rear extension, though this has not been constructed. However, it is now proposed that a similar extension to that which was approved should be

- built and the whole converted to form three flats. The existing garage door would be removed and the front elevation altered accordingly.
6. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
 7. Policies in 'The London Plan' are aimed at increasing the supply of housing and providing choice in the housing market but they are also intended to promote good design and sustainable development, especially in Policies 3.5, 7.4 and 7.6.
 8. The "overarching" Core Policy CS1 of the 'Harrow Core Strategy' (adopted in 2012) and Policies DM1 and DM2 of the 'Harrow Council Development Management Policies' (adopted in 2013) likewise support growth while promoting good design. Other Policies in the 'Harrow Council Development Management Policies' also deal with design issues, focussing on particular aspects of design. Thus, for example, Policy DM23 is concerned with the streetscene, Policy DM27 with the provision of amenity space, Policy DM42 with car and cycle parking and Policy DM45 with waste management. Policy DM26 deals specifically with residential conversions, which are to provide a "satisfactory standard of accommodation".
 9. Supplementary planning guidance does not carry the same weight as Policies in the Development Plan but the 'Mayor of London Housing Supplementary Planning Guidance 2016' and Harrow Council's 'Supplementary Planning Document Residential Design Guide' (adopted in 2010) are important material considerations in this appeal, nonetheless.
 10. The submitted drawings for the proposed new flats indicate that the internal layout would be complex and awkward. In particular, the drawings do not show how reasonable floor to ceiling heights could be achieved, nor how a realistic storage use could be made of the small attic room at second floor level (as suggested), though it is acknowledged that the proposed bedrooms could be provided with windows in accordance with a modified drawing. In due course, additional construction details would be needed in any case but, nevertheless, the submitted scheme does not demonstrate that substandard living conditions for future occupiers of the flats would be avoided in the internal layout.
 11. Externally, the lack of garden provision for the various flats would amount to another significant defect in the scheme, directly contrary to Policy DM27 of the 'Harrow Council Development Management Policies', and it would not be possible, in this appeal, to rectify the defect by the imposition of conditions, due to the complexity of the implications and the potential need for some redesigning of the project.
 12. At the front of the property, further objections arise. The space available for bin storage and cycle storage is limited and the shared bin storage area would be close to the living room window of one of the flats, giving rise to a potential for harm to living conditions caused by intrusive smells. In addition, the proposed car parking space (if a parking space is needed) would be too short to

accommodate even a modest size car and its use would block the front door to Flat 3.

13. In short, the scheme would not provide adequate living standards for the occupiers of the proposed flats and the quality of the accommodation that would be provided would fall short of what ought reasonably to be expected, contrary to the Development Plan and to the underlying aims of the 'National Planning Policy Framework'.
14. Other considerations support the proposed development. The proposed new flats would make a useful contribution to the need for smaller dwellings within the Borough and would be desirable in principle. The proposed rear extension would be similar to the scheme that has already been granted prior approval and it would not have an unduly harmful effect on neighbours' living conditions. The proposed alterations to the front elevation (removing the existing garage door) would be in keeping with the surroundings generally.
15. In short, therefore, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the contribution that the appeal scheme would make to the provision of residential accommodation in the locality weighs in favour of the appeal. Nevertheless, I am convinced that the objections which I have identified in relation to the quality of the scheme outweigh the benefits of the project. The proposals would fail to meet adequate development standards, contrary to provisions in the Development Plan (notably, those Policies that have been identified above), and I have concluded that the scheme before me ought not to be allowed. Although I have considered all the matters that have been raised in the representations I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR